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SIPDIS

SENSITIVE
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FROM AMCONSUL SURABAYA 0974

DEPT FOR CA/OCS/ACS/EAP, EAP, EAP/IET AND DRL/IRF

E.O. 12958: N/A

TAGS: [CASC PHUM PGOV KIRF ID RAY DAVID WILLIAM](#)
SUBJECT: AMCIT RECEIVES FIVE MONTH SENTENCE FOR VISA
VIOLATION; INDONESIAN GETS 30 MONTHS FOR BLASPHEMY

REFS: A. 05 JAKARTA 15035;

[1](#)B. SURABAYA/OCS E-MAIL UPDATES NOV 2005-MAR. 2006;
[1](#)C. JAKARTA 001449

[1](#)1. (U) Summary: On March 29, the court in Sampang, Madura found U.S. citizen David Ray guilty of violating his student visa and sentenced him to five months in prison. Counting time served, Ray likely will go free the week of April 14, barring a prosecution appeal. The court found Ray's colleague, Indonesian citizen Thomas Robben, guilty of

insulting religion (blasphemy) and sentenced him to two and a half years in prison. End summary.

[1](#)2. (SBU) Per reftel A, local Sampang authorities have detained Mr. Ray since November 13, 2005 for an immigration violation. ConGen Surabaya managed to get Mr. Ray transferred to East Java Police Custody in Surabaya in order to facilitate ACS visits and those by family, friends, and legal counsel. Once the trial began in January, he went back to Sampang police/prosecution custody. On Mar 29, after a two-month trial, Mr. Ray received a guilty verdict from a three-judge panel. The maximum sentence in such cases can run up to five years. The Prosecution had asked for an eight month sentence, but the judges reduced that to five. With time served, Mr. Ray could go free as soon as the week of April 14. The release date depends on cooperation from the prosecution, as they might appeal the judges' decision.

[1](#)3. (SBU) The visibly agitated judges read the verdict in front of a tense courtroom packed with local villagers (Muslim) seeking a stiff sentence for Thomas Robben. The judges found Mr. Robben guilty of insulting religion (blasphemy) and sentenced him to 2.5 years, just short of the three years that the prosecution sought. As Mr. Robben moved from the courtroom back to the holding cell, the crowd shouted insults at him and some tried to force their way towards him. The local police force, dispatched specifically for the trial, held the crowd back and Mr. Robben returned safely to his holding cell.

[1](#)4. (SBU) The courtroom emptied for Mr. Ray's verdict, although a crowd of 150 or 200 in the courthouse parking lot proceeded to stage a demonstration against Mr. Robben and Mr. Ray. During the trial, some demonstrators entered the atrium of the courthouse and began to chant 'Hukum Mati' or 'Death Penalty' for Mr. Ray and Mr. Robben. The police quickly moved the protestors into the parking lot and closed the courtroom doors.

RAY AND ROBBEN BOTH DECLINE TO APPEAL

15. (SBU) After the verdict, Mr. Ray stated that he had no intention of appealing his sentence, would serve out the remaining two weeks and return to Malang where his AmCit wife and two sons reside. Regarding his status as a student, the court made no decision about his visa; Mr. Ray plans on visiting Malang immigration upon release to clarify whether his visa remains valid. Post sees it as likely that Immigration will order Mr. Ray expelled from Indonesia; we do not know whether he could apply for a new visa to return.

16. (SBU) For unknown reasons, Mr. Robben also has decided not to appeal. We had unconfirmed reports that local prison authorities had passed veiled allusions of retaliation from Sampang prosecution if he decided to appeal.

A LONG STRANGE ROAD.

17. (SBU) Throughout this strange trial for a minor immigration violation, the prosecution seemed intent on retaining Mr. Ray in custody for as long as possible and refused to release him under "home arrest" while awaiting trial (a common practice for minor offenses). The reluctance of the prosecution to release Mr. Ray most likely stems from public pressure to punish Mr. Ray - the prosecution several times sought to link Mr. Ray with the religious blasphemy charge faced by Mr. Thomas Robben. Ray's legal counsel told us that the judges feared local reaction if they did not prosecute Mr. Ray, telling him "who will be responsible if the court burns down?"

18. (SBU) Colleagues of Mr. Ray's from Crossworlds International, a US-based Christian organization, also indicated that the whole episode could have resulted from a fight over money and from local jealousies in a very rural and conservative part of Madura. Mr. Ray had charge of funds for a humanitarian project (building a small dam) for a community of former internally displaced persons (IDPs) Madurese who had emigrated to Kalimantan, but then returned to the Sampang area. Neighboring villages apparently resented the focus on this group of "non-locals" and demanded that they also get a "project" and receive funds from Mr. Ray's organization. Local politicians apparently flamed the discontent; subsequently they made various charges at Ray and Robben, including proselytizing, distributing bibles, and insulting religion (blasphemy).

9 (SBU) This case highlights a troubling reality - the poorly written criminal code allows for misuse of the legal system for personal and political gain. PASCOE